

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICOLAS TRUJILLO,

Plaintiff, No. CIV S-04-2368 MCE GGH P

vs.

D. LORUSSO,

Defendant. ORDER

On June 3, 2005, plaintiff filed a letter and “discovery and declaration of Nicolas Arthur Trujillo.” These documents were not served on defendant. Plaintiff is advised that every document submitted to the court for consideration must be served on defendant. Fed. R. Civ. P. 5. Documents not to be served electronically are usually served by placing a copy in the U.S. mail. If an attorney has filed a document with the court on behalf of any defendant, then documents submitted by plaintiff must be served on that attorney and not on the defendant. Every document submitted conventionally to the court (e.g., by a prisoner proceeding pro se) must include a certificate stating the date an accurate copy of the document was mailed to defendants or their attorney and the address to which it was mailed. See Local Rule 5-135(b) and (c).

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Accordingly, IT IS HEREBY ORDERED that plaintiff's June 3, 2005 letter and "discovery and declaration of Nicolas Arthur Trujillo" are disregarded. Plaintiff is cautioned that failure to properly serve any documents subsequently filed in this action, and failure to include a proper certificate of service with such filing, may result in a recommendation that this action be dismissed.

DATED: 6/30/05

/s/ Gregory G. Hollows

**GREGORY G. HOLLOWSS
UNITED STATES MAGISTRATE JUDGE**

GGH:kf
truj2368.35(1)